THE TAMIL NADU BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) RULES, 1968

(G.o. Ms. No.2379, Industries, Labour and Housing (Labour), 29th June, 1968.)

*S.R.O. No. A-472 of 1968 – In exercise of the powers conferred by section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966), the Governor of Madras hereby makes the following rules, the same having been previously published as required by sub-section (3) of section 44 of the said Act.

RULES

THE TAMIL NADU BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) RULES, 1968

In exercise of the powers conferred by section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966) the Governor of Madras hereby makes the following rules, namely:-

CHAPTER I

Preliminary

1. Short title- These rules may be called the Tamil Nadu 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(Central Act 32 of 1966);

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

(c) "Health Officer" means the Municipal Health Officer in a Municipality or Corporation, the District Health Officer concerned, or such other officer as may be appointed by the Government for any area in that behalf, irrespective of whether such area is within the limits of any local authority;

(d) "Public Health Authority" means the Health Officer having Jurisdiction over the area in which the beedi industrial premises is situated, and

(e) "Section" means a section of the Act.

CHAPTER II

Licensing of Industrial Premises

3. Form of application for grant of license and license fees.-

(1) Every application under sub-section (1) of section 4 for a license to use or allow to be used any place or premises as an industrial premises shall be made in duplicate in form No. 1.

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

(a) Plans in triplicate showing,-

(1) 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

(2) 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

processed; and

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

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

(4) Before granting a license, 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 preceding the date of the application with a view to causing prejudice closed, by the applicant during the period of twelve months immediately to the interests of the labour.

form No. 1 and shall be sent to the competent authority in duplicate not less than one month before the date of expiry of the licence together with a treasury receipt for the fees for the renewal of the licence and the original licence. On receipt of such application together with such fee, the licensing authority may renew the license.

(2) If the application for renewal is not sent within the time specified in sub-rule(1) but is sent after the expiry of such period the license may be renewed only on payment of the additional fee specified below in addition to the fee payable under sub rule(1) of rule 8 for the renewal of the licence.

(a) If the application for renewal is sent within a period of one month from the date of expiry of the license.

(b) If the application for renewal is sent after the expiry of one month but within two months from the date of expiry of the license.

(c) If the application for renewal is sent after the expiry of two months but before the expiry of three months from the date of expiry of the licence.

Twenty-five percent. of the fee payable under sub rule(1) of rule 8.

Fifty per cent. of the fee payable under sub-rule(1) of rule 8.

Hundred per cent. of the fee payable under sub-rule(1) of rule 8.

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

(4) 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 license –(1) A license granted under the Act shall be in

Form No.II

(2) The terms and conditions subject to which such licence may be granted or renewed shall be the following namely:-

(I) The manufacturing process shall be carried on only in that part of the premises specified in the license.

(II) The total number of employees employed in the premises shall not on any day, during the period of the license, exceed that specified in the licence.

(III) No machinery or power which has not been specified in the licence shall be used in the manufacturing process in the premises.

(IV) No industrial premises reconstructed or extended subsequent to the grant or renewal of the licence shall be used as industrial premises except with the written permission of the competent authority.

(V) The licence shall not be transferable from one employer to another except in the cases and in accordance with the procedure specified in rule 11.

(VI) The fees paid shall not be refunded except in the cases specified in rule 9.

(VII) The competent authority shall, before granting the licence, satisfy himself that new branches were opened by management by way only to expand business, and shall take into account the history of such management closing and opening business in that area.

(VIII) The competent authority may, in addition to the foregoing terms and conditions, determine and specify in the licence such other terms and conditions, in individual cases as it may deem necessary.

[1]Subs. by G.O. Ms. No. 1097, Labour and Employment,dated the 4th July,1979.

6. Issue of duplicate licenses-(1) If a licence issued under section 4 is lost, stolen or destroyed, the licence shall forthwith report the matter to the competent authority by whom the license 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 license 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 the license duly stamped “duplicate” in red ink.

7. Appeals under section 5- An appeal under section 5 of the Act shall –

(A) be made in writings within a period of thirty days from the date of receipt of the order sought to be appealed against; and

(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.

Explanation- The date on which the order appealed against when sent by registered post will normally be received by the appellant shall be deemed to be the date of receipt of such order by the appellant for the purpose of this rule.

8. Fees- (1) The fees to be paid for the grant or renewal a license under section 4 shall be as license under section 4 shall be as specified in the Table below :-

Serial No.		Fees for Industrial Premises in which power driven machinery is used.	Fees for Industrial premises in which power driven machinery is not used.

		(1) Rs.	(2) Rs.
	If the number of employees proposed to be employed on any day during the financial year for which the license is required or renewed:-		
(a)	does not exceed ten.	210	135
(b)	exceeds ten but does not exceed twenty.	405	270
(c)	exceeds twenty but does not exceed fifty.	1080	675
(d)	exceeds fifty but does not exceed hundred.	2025	1350
(e)	exceeds hundred but does not exceed two hundred and fifty.	4050	3375
(f)	exceeds two hundred and fifty.	7425	6750

2) The Fees to be paid for the grant of a duplicate license shall be rupees Forty Five.

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

(a) rupees seventy five, 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 employees proposed to be employed wherein is one hundred or more;

(b) rupees forty 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 ("087. Labour and Employment – 087 (a) Receipts under Labour laws – 040 Receipts under The Beedi and Cigar Workers (conditions of Employment) Act, 1966")

———1.

subs. by G.o.Ms. No. 1097, Labour and Employment, dated the 4th July, 1979.

2. subs . by G.o. Ms. No. 771, Labour and Employment, dated the 18th August, 1976. 3. subs . by G.o. Ms. No. 119, Labour and Employment, dated the 30th December 2002. 4. subs . by G.o. Ms. No. 192, Labour and Employment, dated the 10th November 2017

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 thereof.

(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 license in respect thereof, the licence may, within a period of three months from the last date of the financial year for which the license 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.

10. Amendment of license – (1) A license granted or renewed under the Act and these rules may be amended by the competent authority on an application from the licence.

(2) The application for the amendment of a license shall be accompanied by-

(I) a statement indicating the nature of the amendment required;

form no 1 rule 3, which necessitate the application for amendment;

(III) fresh plans as provided in rule 3 in cases where the plans submitted with the original application no longer hold good;

(IV) a treasury receipt showing that the appropriate fee for the amendment of licence has been paid in the local treasury, and

(V) the licence originally granted.

(3) The fee for the amendment of license shall be (ninety rupees) plus the amounts that would have been payable If the license had originally been issued in the amended

form deducting the fees originally paid for the license.

(4) An application for the amendment of the licence shall be dealt with by the competent authority in the same manner as an application for grant of a license.

11. Procedure on death of license- (1) If a licence dies, his heir or legal representative shall, within two months from the date of the death of the licence, make an application to the competent authority in Form No: II-A for the transfer of the licence in his name. The license shall be sent with the application.

[1]Subs. by G.O. Ms. No. 1097, Labour and Employment, dated the 4th July,1979.

(2) The competent authority shall, if he approves of the transfer, enter on the license under his signature an endorsement to the effect that the license has been transferred to the applicant.

(3) An application for the transfer of a license under this rule shall be dealt with by the competent authority in the same manner as an application for the grant of a license.

12. Qualifications of Inspectors – No person shall be appointed as an Inspector for the purposes of the Act unless he possesses the minimum general educational qualification prescribed for employment in the Subordinate Services of the Government.

CHAPTER III
Health and Welfare

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

(a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and passages of work rooms and from staircases and passages and disposed of in a suitable manner;

(b) the floor of every work room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective methods;

(c) all inside walls and partitions of ceilings of rooms, an of walls, sides and staircases shall,-

(I) Where they are painted or varnished or where they have smooth impervious surface, be cleaned with fresh water and dried at least once in every period of fourteen months;

(II) where they are painted or varnished, repainted or re varnished at least once in every period of five years; and

(III) In any other case, be kept white-washed or colur- washed at least once in every twelve months.

(2) The record of the dates on which white- washing, colur – 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 No. III

14. 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.

15. 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 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 in 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 proper 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.

16. 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 meters 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 in 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.

17. 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. Latrines other than those connected with such sewage system if the industrial premises is situated within 30.5 meters of that sewage system. Latrines other than those connected with an efficient water-borne sewage system shall comply with the requirement of public health authority.

Urinals other than those connected with an efficient water borne sewage system and urinals in industrials premises wherein more than two hundred and fifty employees are ordinarly employed shall comply with the requirements of the public health authority.

18. White-washing and colur – washing of latrines and urinals.

(1) The walls, ceilings and partitions of every latrine and urinal shall be white-washed or color-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 ceiling of, and partitions in a latrine or urinal or any portions of such walls, ceilings and partitions

which are laid in glazed tile, or otherwise finished to provide a smooth, polished impervious surface but such walls, ceilings, partitions or portions there of shall be washed with suitable detergents and disinfectants at least once in every period of four – month.

(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 No-III

19. Construction and maintenance of drains – all drains carrying waste or sullage water shall be constructed in masonry or other impermeable 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 and rendered innocuous and then disposed of in suitable manner to the satisfaction of the public health authority.

20. 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 in 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.

21. Washing facilities 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 in 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 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 any case be not less than 4.5 liters per day for each employee.

22 Creches – 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 crèche under section 14.

(a) The crèche shall be conveniently accessible to the mothers of the children accommodated there in 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 orders are given off.

(b) The room or rooms used as creche shall be soundly constructed and all the walls and roof there of shall be of heat resisting materials and shall be water – proof;

(c) the floor and internal walls of the creche up to height of 1.2 meres 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 meters from the floor to the lowest part of the roof and there shall not be less than 1.9 square meters of floor area for each child to be accommodated therein;

(e) effective and suitable provision shall be made in every part of a crèche for securing and maintaining adequate ventiliation by the circulation of fresh air;

(f) the crèche shall be adequately furnished and equipped and in particular there shall be a made available.

(I) for each child of more than two years of age 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 crèche 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 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 hygienic source and if practicable shall be through taps.

(d) supply of at least 22.7 liters 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 sole use of the children in the crèche 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 crèche and the mother of such child shall, in the course of daily work, be allowed adequate intervals of no 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 crèche and he shall also provide suitable equipment an facilities for the purpose.

Explanation- The number of ayah to be appointed in the crèche shall be calculated at the rate of one ayah for every thirty children.

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

Explanation- In this rule "child" means a child under six years of age of a female employee.

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

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

(I) six small sterilized dressings,
(II) three medium size sterilized dressings,
(III) three large – size sterilized dressings,
(IV) three large – size sterilized 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 lable,
(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.

24. Canteens

(1) The employer of every industrial premises where in 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 meters of any latrine, urinal or any other source of dust.

(3) The canteen buildings 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 meters 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.

(6a) 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 time washed or colour washed or painted. as the case may be

(II) all wood work shall be varnished ort painted once in three years dating

from the period when last varnished or painted

(III) all internal structural iron or steel work shall be varnished or painted once in three years dating from the period when last varnished or painted

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

(b)The dates on which lime – washing color washing varnishing or painting is carried out shall be entered by the employer in the register maintains in

Form No III

(7) The precinct 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 meters per diner to be accommodated as specified in clause.

(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 efficient running of 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, drinks and other items served in the canteen shall be served on a profit, no loss basis.

25. Protection against fire. – In every industrial premises, the employer shall provide adequate fire-fighting equipment.

CHAPTER IV

Working hours, leave ,etc.

26. Notice and register of periods of work.-

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

(2) every employer shall maintain a register showing the hours actually worked including overtime in

Form No. V

27. Method of calculating cash equivalent of concessional sale of food grains, etc-

(1) The cash equivalent of the advantage accruing though the concessional sale to an employee of food grains 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 IV of 1936)

(2) For the purposes 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 food grains and other articles at the average market rates prevailing during the wage – period in which the employee worked overtime and the concessional price thereof.

28. Register of leave with wages. –

(1) The employer shall in respect of employees employed in his industrial premises keep an up – to – date register in

Form No. VI (here in after referred to as the "Register of Leave with wages – Regular Employee")

Provided that if the competent authority is the opinion that any muster roll or register maintained by the employer gives particulars required for the enforcement of the provisions of sections 26 and 27, he may be 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(here in after referred to as the " Home worker") maintain an up- to- date register in

Form No. VII(here in after referred to as the " Register of Leave with wages – Home Worker")

29. Leave book. –

(1) The employer shall provide each employee(Including a home – worker) with a book in

Form no VI or Form No. VII, as the case may be(here in after referred to as the Leave book).

(2) the leave book shall be the property of the employee and the employee 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.

30. Payment of Wages if the employee dies.

(1) If an employee who has taken leave dies before he resumes work, the balance of his wages due for the period of leave with wages not availed of shall be paid to his nominee within one week of the receipt of initimation of the death of the death of the employee.

Form No VII – A duly signed by himself and attested by two witnesses, The nomination shall unless the nominee predeceases the employee, remain in force until it is cancelled or revised by another nomination.

31. Appeals under section –

(1) In respect of the industrial premises situated in Chengalpattu district, the Assistant Commissioner of Labour (Conciliation-1) Madras, in respect of the industrial premises situated in Coimbatore District, the Labour Officer – II , Coimbatore, in respect of the industrial premises situated in Madurai District, the Labour Officer –II , Madurai, in respect of Ramanathapuram District, the Labour Officer, Ramanathapuram at Madurai and in respect of other areas, the Assistant Commissioner of Labour (conciliation) or the

Labour Officer, having jurisdiction over the area in which the industrial premises are situate, shall be the Appellate Authority for the purpose of hearing appeals under sub – section (2) of section 31 and any such appeal shall be preferred by the employee within thirty days from the date of service of the order terminating his service with the employer such service to be deemed effective if carried out either personally or if that be not practicable by prepaid registered post to his last known address, when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post.

Provided that an appeal may be admitted after the said period of thirty days, of the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.

Form No. IX to the employee. The notices shall be sent to the parties by registered post acknowledgement due.

(3) The procedure to be followed by the appellate authority when hearing the appeals preferred to it under sub-section (2) of section 31 shall be summary. It shall record briefly the evidence adduced and then pass orders giving the reasons therefor.

(4) The result of the appeal shall be communicated to the parties as soon as possible.

(5) Copies of the order shall be supplied to parties only on an application accompanied by the requisite copy stamp papers.

CHAPTER V

(Miscellaneous)

32. 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 to in writing by the employer or the employee or employees to the Inspector of Labour having jurisdiction over the area in which the industrial premises is situated who shall, after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective cases, decide the dispute and record the proceedings in

Form No.X

(2) Any party to the dispute aggrieved by the decision there on under sub – rule(1) may prefer an appeal within a period of thirty days from the date of the decision to Deputy Commissioner of Labour having jurisdiction over the area in which the industrial premises is situated:

Provided that the Deputy Commissioner of Labour 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.

33. 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.

In the said rules after rule 33 Rule following rule shall be inserted namely:

(33. A) Maximum limit of re percentage of rejection of beedi or cigar or both:

No employer shall reject more than 5% of the beedi or cigar or both manufactured by the employee. Provided that where any beedi or cigar or both is rejected as substandard or otherwise on any ground other than the ground wil full negligence of the employees the employee shall be paid for such beedi or cigar or both so rejected at one half of the rate at which wages are payable to him for such beedi or cigar, which have not beedi so rejected.

34. 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 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.

35. Returns –

(I) The employer of every industrial premises shall send to the competent authority on or before the 10th day of every month, a monthly return in

Form No. XII on or before the 30th April of every year to the competent authority.

36. Maintenance of certain registers –

(I) Every employer shall, in respect of the employees employed on the industrial premises, maintain a muster roll in

Form No. XII, and entries there in shall be made at the commencement of the work each day.

(2) Every employer shall provide free of cost to each homeworker two books in form no XIV (here in after referred to as the "Home – Workers log books") and the shall keep record of the daily work done by him, the number of beedies and cigar manufactured by him, and the wages received by him and the deductions made from his wages towards the provident fund and family pension scheme contributions payable under employees provident fund and miscellaneous provisions Act, 1952 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 two successive supplies of raw materials by the employer.

(2A) (I) Every employer shall issue a service Book in Form No XIV-A to every employee immediately on the date of entry into service and to every employees in service who has not been issued with a service book with all entries duty made there in. The service book shall be the property of the employee and the employer shall not demand it except to make entries or correction or alteration or deletion of entries and the employer shall not retain it with him for more than 24 hours at a time. While receiving the service book from the employee the employer shall issue a receipt duty signed by him with the date to the employee for having receive the same.

(II) Every employer shall maintain a register of service books in Form XIV B which shall be preserved for a period of three years from the date of last entry noted in it and shall be produced before the Inspector on demand by him

(III) If an employee loses his service book the employer shall provide him with another copy thereof on payment of twenty five paise, within three days from the date of receipt of an application to that effect and shall have entries made in it from the register of service books in

form XIV –B . The cost of the photograph of the employee to be affixed to the service book shall be met by the employer.

(3) Every employer shall maintain a Home – Workers employment register in Form No.XV containing the names and particulars of all the home workers employed under him and the entries in the register shall be made and kept up – to- date on the basis of the entries in the home – workers log books. Every entry including any subsequent

entry, correction , alteration of deletion of any entry shall be in ink and attested in ink by full signature of the employer with date.(G.O. Ms.No.1159 DT:02.06.87)

(4) Every employer shall maintain a visitors book in which an Inspector visiting the industrial premises may record 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 NO.XVI

(6)An abstract of the Act and the Rules made there under shall be displayed in some conspicuous part of every industrial premises(as in

Form No. XVI-A)

(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.

37. Record of outside work.- The record to be maintained by the employer of the work permitted under sub-section(1) of section 29 to be carried on outside the industrial premises shall be in

Form No. XVII.

38. Information required by the Inspector – The employer of an industrial premises shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act, or the rules made there under has been complied with or whether any order of an Inspector has been duly carried out. Any demand by an Inspector of any such information if made during the course of an inspection shall be complied with forthwith if the information is available in the industrial premises or if made in writing shall be complied with, within seven days of receipt thereof.

39. Service of notice. - The dispatch by post under registered cover of any notice or order shall be deemed sufficient service of such notice or order on the addressee of such registered cover.

40. Language of registers, records, etc. – All registers, records and notices required to be maintained exhibited or sent under these rules shall be in Tamil, or in English and Tamil.

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, 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 (Central Act 43 of 1958).
8. Value of beedies 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 beedies or cigars or both manufactured by the applicant* will be sold and marketed by himself or through proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 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 Chalan 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, 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.

*The applicant for licence may however be made either by the contrctor 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)

License.

Licence No. Fee Rs.

Registration No.

Licence is hereby granted to

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

The licence shall remain in force till the 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) 1.
		2.
		3.
		4.

Date: Signature and Seal of the competent authority.

ANNEXURE

This licence is subject to the following conditions, namely:-

(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.II-A

(See rule 11)

Application for transfer of licence.

1. Name of the beedi industrial premises.
2. Full postal address and situation of the beedi industrial premises.
3. Licence number.
4. (i) The name and address of the persn to whom the licence is to be transferred.

   (ii) His financial resources (Value of the movable and immovable properties to be specified).

   (iii) Whether he is a trade mark holder registered under the Trade Marks Act, 1940 (Central Act V of 1940), in relation to beedi.

   (iv) His previous experience in the industry.

   (v) Whether the beedi manufactured by him will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade Marks Act, 1940 (Central Act V of 1940), in relation to beedi or any other person.
5. Amount of fee Rs. (Rupees), paid in treasury (vide chalan No. ,dated.).

I agree that I will accept all liabilities of the transferor in respect of labour. the late licensee

Date: Signature of the transferee.

NOTE. –(1) This form shall be completed in ink in block letters or typed.

(2) If the application is made under rule 8, item 5 and the entry relating to agreement to be executed by the transferor shall be struck off.

FORM NO.III

(see rules 13, 18 and 24)

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

Part of the industrial premises (e.g., name of room)	Parts white-washed, colur-washed, painted or varnished (e.g., walls, ceilings, wood works, etc.)	Treatment whether white-washed, painted or vanished 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
(1)	(2)	(3)	(4)	(5)	(6)

[Figures 1,2,3 relate to 1st, 2nd and 3rd shifts or relays]

FORM No. IV

[See sub-rule (1) of rule 26]

Notice of periods of work

Name of he industrial premises: Place: District:

Period of work	Men (Total number of men employed)			Women and young persons (Total number of women and young persons employed)			Remarks Description of groups Group Letter				
	A	B	C	D			E			F	
	1	2	3	1	2	3	1	2	3	1	2
On working days:											
From To											
From To											
On partial working days:											
From To											
From To											
Weekly holidays:											

Nature of work ( )

A

B

C

D

E

F

Date on which this notice comes into force.

Employer.

FORM NO. V

(see sub-rule (2) of rule 26)

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

FORM NO. VI

(see sub-rule (1) of rule 28 and sub-rule (1) of rule 20)

Register of leave with wages (regular employees)

Leave Book

(Separate page shall be allotted to each employee) **Serial No.** **Date of entry into service**	**Name of establishment**	**Adult/young** **Name** **Father's name** **Date of joining the establishment** **Date of discharge** **Date and amount of payment made in lieu of leave due.**

Leave at credit

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

[Separate page shall be allotted to each employ.]

FROM NO. VII

[See sub-rule (2) of rule 28 and sub-rule (1) of rule 29]

Register of leave with wages (Home-workers) – Leave book.

1. Name of Establishment
2. Serial number
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. Number 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, that is 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 NO. VII-A

[see sub-rule (2) of rule 30]

Nomination

I hereby certify that in the event of my death the balance of my pay due for the period of leave shall be paid to ..... who is my and resides at

Signature of employee

Witnesses

(1)

(2)

FORM NO.VIII

[see sub-rule (2) of rule 31]

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

Thiru has appealed to the Appellate Authority under clause (a) of sub/section 31 of the Beedi and Cigar Workers (Conditions of Employment) Act,1966 (Central Act 32 of 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 19 at a.m/p.m. at . you should appear before the Appellate Authority on that day and answer the claims. You must be prepared to produce on that day all the witness 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 sub-rule (2) of rule 31]

Notice to the employee under clause (b) 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 to your case. In default of your appearance on that day, the matter will be heard and determined in your absence.

Appellate Authority

FORM NO. X

[see sub-rule (1) of rule 32]

Record of decision or 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 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 NO. XI

[see sub-rule (1) of rule 35]

Monthly returns

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 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 beedi and / or cigars manufactured by the employer in industrial establishment

9. Number of beedis and / or cigars manufactured by the employer in place other than industrial establishment, i.e., workers working in their homes.

10. Number of beedi and / or cigars sold and to whom.

Date: Signature of Employer

FORM NO. XII

[see sub-rule (2) of rule 35]

Annual returns for the year ending 31st March 19.

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 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 are working in their homes)*

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

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

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

(b) employed in homes

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

(a) employed in industrial premises

(b) employed in homes.

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

Date: Signature of the employer.

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

The average daily number shall be calculated by dividing the aggregate number of attendance of working days by the number of the working days in the year. Attendance on separate 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 months by twelve.

FORM No. XIII

[see sub-rule (1) of rule 36]

Muster Roll of Employees.

Date.------

Name and address of the industrial premises.

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

FORM No. XIV

[See sub-rule (2) of rule 36]

Home-Workers Log book.

1. Name of the home – worker.
2. Name and address of the employer.
3. Address of the home where manufacturing process is carried on.
4. Month of Account of the work done at homes.

Date	Whether work was done	Number of Beedies / Cigars manufactured	Wages received	Deductions	
				Provident Fund (a)	Family Pension Scheme (b)
1	2	3	4	5	

5. Total number of days worked in the month.

Signature of the employer or his representative or authorised Contractor with the seal of the employer

Date and signature or thumb-impression of the Home-Worker.

FORM No. XIV-A

[See sub-rule (2-A) (i) of rule 36]

Service Book

1. Name and address of the Beedi and Cigar Establishment.
2. Full name and address of the employer of the Beedi and Cigar Establishment.
3. Full name and address of the employee.
4. (a) Father's name.

   (b) Family members of the employee.
5. (a) Date of entry into service.

   (b) Date of birth of the employee.
6. Designation of the employer on his entry into service and any subsequent change therein with its date.
7. Details of basic wages and allowances and any subsequent changes therein with dates of such change.
8. Employee's passport size photo with signature or thumb- impression thereto.

Signature of the employer of the Beedi and Cigar Establishment with date.

FORM No. XIV-B

[See sub-rule (2-A) (ii) of rule 36.]

Register of Service Book

Date of receipt of Service Book to Date of

issue of duplicate copy. duplicate copy the e

mployee.

Serial

number

received

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Date of issue appointment. after making f

p l i c a t i o n

N a m e

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D a t e

o f

i s s u e d .

e n t r y .

(1) (2) (3) (4) (5) (6) (7) (8)

FORM No. XV

[See sub-rule (3) of rule 36]

Home Workers' Employment Register

Month ending ----------

(Beedies 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 sub-rule (3) of rule 36]

Register of overtime work

Month ending ----------

Date on which overtime has	Total overtime worked

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[FORM No. XVI-A]

{See rule 36(6)}

[Abstract of Beedi and cigar Workers(Conditions of Employment) Act, 1966 and rules made thereunder.]

To whom the Act applies – This Act applies to any place or premises including the precincts therin in which or in any part of which the manufacturing process connected with the making of Beedi or Cigar or both is being or is ordinarily carried on and also applies to industrial premises.

Registration of Industrial premises – The employer shall have his industrial premises registered under the Act. He will be given a registration certificate which he should display permanently in his industrial premises.

The licence shall be renewed for every financial year.

Powers and duties of Inspectors. – The Inspector can enter with such assistance, at all times, any place or premises including the residence of employers if he has reasonable grounds for suspecting that any manufacturing process is being carried on. He can make such examination and hold such enquiry as may be necessary for ascertaining whether the provisions of this Act have been or are being complied with and require production of any registers or any other documents relating to the manufacture of beedi or cigar or both for the implementation of the Act. Every employer shall accord to the Inspector all reasonable facilities in the discharge of his duties under this Act.

Health and Sanitation – The industrial premises should be kept clean and the employer shall maintain such standard of cleanliness including white – washing, varnishing and painting. The dates on which white – washing, colour washing, varnishing and painting were done should be entered in the register maintained in

Form No.III. There should be such standard of lighting, ventilation and temperature as may be prescribed. Where blending or sieving or both of tobacco or warming of beedi in hot ovens is carried on, the employer shall provide washing facilities for the use of the employees as prescribed in the Rules. In every industrial premises First Aid Boxes with necessary equipment should be provided under the charge of a person trained in First Aid. In every industrial premises adequate fire fighting equipment should be provided.

Welfare facilities:- Sufficient supply of wholesome drinking water should be made available in every industrial premises. If the number of female employees in an industrial premises is more than 50, a creche conforming to the specifications in the Rules should be provided for the children under the age of 6 Years of such female employees/ A trained Avah should be appointed to look after the children in the creche.

There should be required quantity of water available in the creche, Children in the creche should be given at least half a pint of pure milk every day. The mother of such child shall be allowed adequate intervals of not less than 15 minutes to feed the child. In addition to providing milk, the employer shall provide for children above two years of age in the creche adequate supply of wholesome refreshment.

Canteens:- If not less than 250 employees are ordinarily employed in an industrial premises, a canteen conforming to the specifications in the Rules should be provided on “no profit, no loss basis”.

Working hours:- No employees shall be required or allowed to work in an industrial premises for more than nine hours a day or 48 hours a week. For overtime work done, the employer should pay wages at the rate of twice the ordinary rate of wages. No employee should work for more than five hours before he has had an interval for rest of at least half an hour. The spread over should not be more than 10 ½ hours a day.

Every industrial premises should remain closed except for wetting of beedi or tobacco leaves, on one day in a week which day shall be specified by the employer in a notice exhibited in a conspicuous place in the industrial premises. For the said holiday , wages should be paid at the rate equal to the daily average of his total full time earnings for the days on which he had worked during the week immediately preceding the holiday exclusive of any overtime earnings and bonus but inclusive of dearness and other allowances. Those employees who are employees who are employed in the premises for wetting of beedi or tobacco leaves on the day on which it remains closed. shall be given substituted holiday on one of three days immediately before or after the holiday.

Notice of period of work should be displayed in the industrial premises and a copy of it should be sent to the Inspector having jurisdiction over the industrial premises. The hours of work should correspond to the said notice of period of work. No child shall be required or allowed to work in any industrial premises. Women or young persons should not be employed in industrial premises except between 6.00 a.m. and 7.00 p.m.

Annual leave with wages:- Every employee in an establishment shall be allowed in a calendar year leave with wages-

(I) In the case of an adult, at the rate of one day for every 20 days of work performed by him during the previous calendar year;

(II) In the case of a young person, at the rate of one day for every fifteen days of work performed by him during the previous calendar year. An employee who has been allowed leave for not less than four days in the case of an adult and five days in the case of

young person, shall before his leave begins, be paid wages for the period of the leave allowed.

The Payment of Wages Act, 1936 will be applicable to all the employees in Beedi and Cigar Establishments and industrial premises. The Industrial Establishment (Standing Orders) Act, 1946 will apply to every industrial premises wherein 50 or more persons are employed or were employed on any day of the preceding year. The Maternity Benefit Act, 1961, Will apply to every establishment to which this Act applies subject to the following modifications:-

1. In section 5, in the Explanation to sub-section(1), the words " or one rupee a day, whichever is higher" shall be omitted; and
2. sections 8 to 10 shall be omitted.

Discharge or dismissal of employee:- No employer shall dispense with the services of an employee who has been employed for a period of six months or more, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice:

Provided that such notice shall not be necessary if the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held by the employer for the purpose.

The employee discharged, dismissed or retrenched may appeal to such authorities as are stated in Rule 31(1) of Tamil Nadu Beedi and Cigar Workers (Conditions of Employment) Rules, 1968 and within 30 days from the date of receipt of order either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been found guilty of misconduct as held by the employer or on the ground that such punishment of discharge or dismissal was severe.

The appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period during which he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

The decision of the appellate authority shall be final and binding on both the parties and be given effect to within such time as may be specified in the order of the appellate authority.

Dispute regarding the issue raw materials to the employee, the rejection by the employer of beedi or cigar or both made by an employee; or the payment of wages for the beedi or cigar or both rejected by the employer may be referred to in writing by the employer or the employee or employees to the Inspector of Labour having jurisdiction over the area in which the industrial premises is situated who shall decide the dispute.

Any party to the dispute aggrieved by the decision of the said authority may prefer an appeal within a period of 30 days from the date of the decision, to the Deputy Commissioner of Labour having jurisdiction over the area in which the industrial premises is situated.

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.

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.

Penalties:- For obstruction of the Chief Inspector or an Inspector in the exercise of any powers conferred on him or for failure to produce on demand by the Chief Inspector or an Inspector any register or other document kept in his custody in pursuance of this Act or o any rules made thereunder, the person responsible shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Save as otherwise expressly provided in this Act, any person who contravenes any of the provisions of this Act or any rule made thereunder, or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause(b) of sub-section(2) of section 31, shall be punishable, for the first offence with fine which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a tern which shall not be less than one hundred rupees or more than five hundred rupees or with both.

(a) Any employer who fails to reinstate any employee in accordance with the order of the appellate authority passed under clause(b) of sub – section (2) of section 31 shall be punishable with fine which may extend to two hundred and fifty rupees. (b) Any employer, who, after having been convicted under clause(a), continues after the date of such conviction, to fail to reinstate an employee in accordance with the order mentioned in that clause, shall be punishable, for each day of such default, with fine which may extend to twenty rupees.

Any compensation required to be paid by an employer under clause(b) of sub-section (2) of section 31 but not paid by him shall be recoverable as delayed wages under the provisions of Payment of Wages Act.

Effect of laws and agreements inconsistent with this Act:- The provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in any other law for the tie being in force or in the terms of any award, agreement or contract of service whether made before or after the commencement of this Act.

FORM NO. XVII

(see rule 37)

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	Names of employees	Remarks
(1)	(2) (3)	(4)	(5)	

NOTIFICATIONS

Date of coming into force of all provisions of the Act except section 3

[G.o.Ms.No.2396, Industries, Labour and Housing(Labour), 29th June 1968]

[1]**II – 1 No.3085 of 1968**: - In exercise of the powers conferred by sub – section (3) of section 1 of the Beedi and Cigar Workers(Conditions of Employment) Act, 1966(Central Act 32 of 1966), the Governor of Madras hereby appoints the 1st July, 1968 as the date on which all the provisions of the said Act except section 3 thereof shall come into force in the State of Madras.

Date of coming into force of section 3 of the Act

[G.O.Ms.No.2693, Industries, Labour and Housing (Labour),30th July,1968]

[2]**II – 1 No.3333 of 1968**:- In exercise of the powers conferred by sub – section (3) of section 1 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966(Central Act 32 of 1966), read with section 21 of the General clauses Act,1897 (Central Act X of 1897), and in supersession of Industries, Labour and Housing Department Notification II – 1 No.3086 of 1968, dated the 29th June, 1968, Published in the Extraodinary issue of Part II – section 1 of the Fort St. George Gazette, dated the 29th June, 1968, the Governor of Madras hereby appoints the 1st September, 1968 as the date on which section 3 of the said Act shall come into force in the State of Madras.

Exemption of all persons from certain provisions of the Act

[3]**II – 1 No.3334 of 1968**: - In exercise of the powers conferred by section 41 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966(Central Act 32 of 1966), the Governor of Madras hereby exempts all persons in possession of valid licences for

1968 -69 issued under the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958(Madras Act XXXII of 1958) From applying for and obtaining fresh licences for the same year under section 4 of the Beedi and cigar workers (Conditions of Employment) Act, 1966(Central Act 32 of 1966)

Application of Payment of wages Act to all class employees in Beedi and Cigar establishments

(G.O.Ms. No.201, Labour and Employment, 13th March

[1] **No.II (2)/ LE/ 1307/75** – In exercise of the powers conferred by sub-section (1) of section 28 of the Beedi and Cigar workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966), the Governor of Tamil Nadu hereby directs that the rule thereunder shall apply to all classes of employees in establishments to which the said Beedi and Cigar Workers (Conditions of Employment) Act, 1966 applies.

Authorization of every Assistant Inspector of Labour perform functions of competent authority

[G.O.Ms.No.2669, Industries, Labour and Housing (Labour), 27the July, 1968)

[2]**II-1 No. 3329 of 1968** – In exercise of the powers conferred by clause (c) of section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act XXXII of the Governor of Madras hereby authorizes every Assistant Inspector of Labour to perform the functions of the competent authority under the said Act for the area assigned to him under the Madras Weights and Measures (Enforcement) Act, 1958 (Madras Act XX of 1958)

Appointment of certain officers as Inspectors for purpose of Beedi and Cigar Workers (Conditions of Employment) Act and defining jurisdiction

[G.O.Ms.No. 2029, Labour and Employment, 15 the September 1981)Thunmathi, Aavani 30, Thiruvalluvar Aandu 2012)]

[3]**No.II (2) LE/4147/81**- In exercise of the powers conferred by sub-section (1) of section 6 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966) and in supersession of Labour and Employment Department Notification No.II (2)/LE/4978/77, dated the 21st September 1977, published at page 600 of part-II Section 2 of the Tamil Nadu Government.
