

# **The Maharashtra Beedi and Cigar Workers (Conditions of Employment) Rules, 1968**

MAHARASHTRA

India

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### **Rule**

### **THE-MAHARASHTRA-BEEDI-AND-CIGAR-WORKERS-CONDITIONS-OF-EMPLOYMENT-RULES, 1968**

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The Maharashtra Beedi and Cigar Workers (Conditions of Employment) Rules, 1968Published vide Notification No. G. N., I. & L. D., No. 8CA-1167140551-(1)-Lab-2, dated 28th March, 1968 (M. G., Part 1L, p. 1373)In exercise of the powers conferred by sub-section (1) and clauses (a) to (x) of sub-sections (1) and (2) of section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966) and of all other powers enabling it in that behalf, the Government of Maharashtra, hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 44 namely :-

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1)These rules may called the Maharashtra Beedi and Cigar Workers (Conditions of Employment) Rules, 1968.(2)These rules shall come into force on such [date] [These rules except rules 24 and 27 came into force on 1st April, 1968 (Vide G. N., I. & L. D., No. B.C.A. 1167/140551 (ii) Lab-II, dated 28th March, 1968).] as the State Government may appoint in this behalf; and different dates may be appointed for different areas or different provisions of these rules.

## **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966);(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act.

## **Chapter II**

### **Licensing of Industrial Premises**

#### **3. Forms of application for grant of licence and licence fees.**

(1)Every application under sub-section (1) of section 4 for a licence to use or allow to be used any place or premises as industrial premises shall be made in triplicate in Form I:Provided that, an employer of every industrial premises coming within the scope of the Act on the date of its commencement shall submit such application within thirty days from such date.(2)The application shall be accompanied by the following documents, namely :(a)plans in duplicate showing,-(i)the site of such place or premises, the areas therein to be used for manufacturing process and the immediate surrounding of such place or premises, including adjacent building structures, roads, drains and the like; and(ii)the elevation and necessary cross-sections of, the details relating to the natural lighting, ventilation, means of escape in case of fire, position of the plant and machinery, if any used is less and passage ways in or in relation to, the various buildings which are intended to be used for any manufacturing process;(b)the treasury receipt showing that the appropriate fee for the licence prescribed by rule 13 has been paid.(3)The application in duplicate together with the document specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority.

#### **4. Application for renewal.**

(1)Every application for renewal of a licence under section 4 shall be made in Form I. The application shall be accompanied by the following documents, namely:- (a)the licence sought to be renewed;(b)the treasury showing that the appropriate fee for the renewal of the licence prescribed by rule 10 has been paid.(2)The application together with the documents shall be sent by registered post or delivered by hand under acknowledgement to the competent authority.

#### **5. Certain provisions as respects grant or renewal of licence.**

- [(1) \* \* \*] [Deleted by G. N. of 10.11.1975.](2)An application for the grant or renewal of a licence shall be deemed to have been duly made if it is in Form I and complies in all respects with the requirements of rule 3 or rule 4, as the case may be.(3)The competent authority in deciding whether to grant, renew or refuse a licence shall also take into consideration as provided by section 4 of the Act, the other factors, namely, whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed, by the applicant during the period of twelve

months, immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

## **6. Form and terms and conditions of licence.**

(1)A licence under section 4 shall be in Form II.(2)Every licence granted or renewed under section 4 shall be subject to the following conditions, namely:-(i)the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence;(ii)the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence;(iii)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;(iv)the licence shall not be transferable;(v)except as provided in rule 11, the fees paid for the grant, or as the case may be, renewal of the licence shall be non-refundable.

## **7. Amendment of licence.**

(1)A licence granted under rule 4 may be amended by the competent authority.(2)A licensee shall be required to have his licence amended, if there is change in the name of the industrial premises or in the site on which the industrial premises is situated or if the industrial premises for which the licence is granted exceeds the limits specified in the licence in regard to the number of persons employed therein. The licensee whose licence is required to be amended shall submit to the competent authority with an application stating the nature of the amendment and reasons therefor.

## **8. Issue of duplicate licences.**

(1)If a licence under section 4 is lost, stolen or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was issued or, as the case may be, last renewed, and may make an application to that authority for the issue of a duplicate licence.(2)On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the licence duly stamped "duplicate" in red ink.

## **9. Appeals under section 5.**

- An appeal under section 5 of the Act shall,-(1)(a)be made in writing 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 sub-rule (2) has been paid;(2)The fees for preferring appeals under section 5 shall be fifteen rupees. In case the applicant succeeds, in his appeal, the fees tendered by him shall be returned to him within one month from date of the decision of the appellate authority.

## 10. Fees.

(1)The fees to be paid for the grant or renewal of a licence under section 4 shall be as specified in the table below :-Table

Number of Employees	Upto 20	From 21 to 50	From 51 to 100	From 101 to 250	From 251 to 500	From 501 to 750	From 751 and above
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees payable	8	19	38	94	188	282	375

(2)In the case of an industrial premises working for a part of the year, the fees to be charged for the first time shall be half of those specified in sub-rule (1).(3)The fees shall be paid into nearest Government treasury under the head of account, [087-Labour and Employment (a) Receipt under Labour Laws - Fees] [Substituted by G.N. of 17.11.1975.] realised under the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

## 11. Refund of fees.

(1)If the competent authority refuses to grant or renew any licence under section 4, it shall order the refund of the fees paid therefor,(2)If no industry or manufacturing process connected with the making of beedi is carried on in an industrial premises at any time during the period of validity of the licence in respect thereof, the licensee may, within a period of three months, from the last date of the financial year for which the licence was granted or renewed, apply to the competent authority for the refund of the fees paid by him for such licence and the competent authority shall, after making such enquiry as he may deem necessary and after satisfying itself about the correctness of the statements made in the application, order refund of such proportionate fees as it may determine subject to such conditions as it may specify.

## Chapter III Health and Welfare

### 12. Cleanliness.

(1)Every industrial premises shall be kept clean and free from effluvia, arising from any drain, privy or other nuisance and in particular(a)accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and passages of work rooms and from staircases and passages, and disposed of in a suitable manner;(b)the floor of every work room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method;(c)all inside walls and partitions, all ceiling or top of the rooms and all walls, sides and staircases shall,-(i)where they have smooth impervious surface, be cleaned with fresh water and dried at least once every period of fourteen months;(ii)where they are painted or varnished, re-painted or re-varnished at least once in every period of five years;(iii)in any other case, be kept white-washed or colour-washed at least once in every period of five years.(2)The record of

the date on which white-washing, colour-washing, varnishing, painting or cleaning as the case may be, was carried out under sub-rule (1) shall be entered by the employer in a register maintained in Form III.

### **13. Ventilation.**

- In every work room, or hall, 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.

### **14. Lighting.**

- In every part of an establishment where employees are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

### **15. Latrines.**

(1) Latrine accommodation shall be provided in every industrial premises at the rate of one latrine seat for every twenty-five male employees : Provided that, where the number of such male employees exceeds hundred, it shall be sufficient if there is one latrine seat for every twenty-five male employees upto the first hundred, and one seat for every fifty in excess thereof. Explanation. - In calculating the number of seats required in accordance with the provisions of this sub-rule, any odd number of employee less than twenty-five or fifty, as the case may be, reckoned as 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 private door and fastenings. (4) Where employees of both sexes are employed on any industrial premises, there shall be displayed outside each latrine block thereon a notice in the languages, 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 women, 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 metres in length for every fifty employees : Provided that, where the number of employees employed on the premises exceeds five hundred, it shall be sufficient if there is one urinal for every fifty employees upto the first five hundred employees, and one for every hundred in excess thereof. Explanation. - In calculating the urinal accommodation required under this rule, any odd number of employees less than fifty or hundred, as the case may be, shall be reckoned as fifty 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 (1).

## **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 the industrial premises in such locality other than a septic tank latrine, shall be connected with such sewage system if the industrial premises is situated within 30.5 metres of that sewage system.

## **18. White-washing and colour-washing of latrines and urinal.**

(1)The walls, ceilings and partitions of every latrine and urinal shall be white-washed, or colour-washed and the same shall be repeated at least once in every period of four months.(2)Nothing in sub-rule (1) shall apply in respect of walls and ceilings of and partitions in, a latrine or urinal or any portions of such wall ceilings and partitions which are laid in glazed tiles or otherwise finished to provide smooth polished impervious surface, but such walls, ceilings, partitions or portions thereof shall be washed with suitable detergents and disinfectants at least once in every period of four months.(3)The dates on which the white-washing or colour-washing is carried out under sub-rule (1) or, as the case may be, washing with detergents and disinfectants is carried out under sub-rule (2) shall be entered by the employer in the register maintained in Form III.

## **19. Construction and maintenance of drains.**

- All drains work on an industrial premises for carrying waste or sullage water shall be constructed in masonry or other permeable materials and shall be regularly flushed and effluent disposed of by connecting such drains with suitable drainage lines:Provided that, where there is no drainage line, the effluent shall be deodorised in order to render it innocuous and then disposed of.

## **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 or 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. Spittoons.**

(1)Adequate number of spittoons shall be provided in every industrial premises.

## **22. Cleaning of spittoons.**

- The spittoons mentioned in rule 21 shall be emptied, cleaned and disinfected at least once every day.

## **23. Washing facilities.**

(1) There shall be provided and maintained in every industrial premises for the use of employees engaged in blending and sieving of tobacco or warming of beedis in hot ovens, adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and such facilities shall be conveniently accessible and shall be made available in clean and orderly condition. (2) If female employees are employed 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) Where supply for purposes of washing facilities under sub-rule (1) or sub-rule (2) shall be such as to provide at least 27.3 litres per day for each person employed in the industrial premises, water shall be drawn from a hygienic source : Provided that, where an Inspector is satisfied that it is not practicable to make available water-supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in any case be not less than 4.5 litres per day for each employee.

## **24. Creches.**

(1) The employer shall submit for the approval of the competent authority detailed plans in triplicate of the rooms to be constructed or adopted for use as creche. (2) The creche shall conform to the following standards, namely :-(a) the creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable shall not be situated in close proximity to any part of the industrial premises where obnoxious fumes, dust or odours are given off; (b) the room or rooms used as creche shall be soundly constructed and all the walls and roof thereof shall be of heat resisting materials and shall be waterproof; (c) the floor and internal walls of the creche upto a height of 1.2 metres shall be so laid or finished as to provide a smooth impervious surface; (d) the height of each room used as a creche shall be not less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein; (e) effective and suitable provision shall be made in every part of a creche for securing and maintaining adequate ventilation by the circulation of fresh air; (f) the creche shall be adequately furnished and equipped, and in particular, there shall be made available -(i) for each child of more than two years of age a suitable bedding; (ii) for each child of not more than two years of age a suitable cot or cradle with the necessary bedding; (iii) at least one chair or other similar sitting accommodation for the use of each mother while she is feeding or attending to her child; and (iv) a sufficient supply of suitable toys for the order by children. (3) There shall be in or adjoining a creche a suitable washing room for the washing of the children and their clothing and

such room shall conform to the following standards, namely (a) the floor and internal walls of the room upto a height of 0.9 m. shall be so laid or finished as to provide a smooth impervious surface; (b) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition; (c) the supply of water for washing shall be from a hygienic source, and if practicable, shall be through taps; (d) supply of at least 22.7 litres of water per day for each child shall be, made available; (e) an adequate supply of clean clothes, soap and clean towels shall be made available for the use of each child while it is in the creche; (f) adjoining the wash room, a septic type latrine shall be provided for the sole use of the children in creche and the same shall be kept clean and in a sanitary condition. (4) The employer shall make available at least half-a-pint of pure milk for each child on every day is accommodated in the creche and the mother of such child shall, in the course of daily work, be allowed two intervals of not less than fifteen minutes to feed the child. (5) In addition to providing milk in accordance with the provisions of sub-rule (4) the employer shall provide for children above two years of age who are accommodated in the creche an adequate supply of wholesome refreshment. (6) The employer shall appoint a woman trained in the Care of children and infants and sufficient number of ayahs for the purpose of looking after the children accommodated in a creche and he shall also provide suitable equipment and facilities for the purpose. Explanation. - The number of ayahs to be appointed in the creche shall be calculated at the rate of one ayah for thirty children. (7) The employer shall provide for the staff employed in a creche suitable clean clothes for use while on duty in the creche. Explanation. - In this rule 'child' means a child under six years of age of female employee: Provided that, nothing in this rule shall apply in respect of such industrial premises as the State Government may by order specify in this behalf, regard being had to the accommodation provided or available in such premises, and the number of married women or widows employed.

## 25. First aid.

(1) In every industrial premises, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards containing the equipment specified in sub-rule (2) and the number of boxes or cupboards to be so provided and maintained shall not be less than one for every hundred and fifty employees ordinarily employed at any one time in the premises. (2) The first-aid boxes or cupboards shall be distinctively marked with a red cross on a white background and shall contain the following equipment namely :- (i) six small sterilised dressings; (ii) three medium size sterilised dressings; (iii) three large-size sterilised dressings; (iv) three large-size sterilised burn dressings; (v) one (1 oz) bottle, containing a 2 per cent, alcoholic solution of iodine; (vi) one (1 oz) bottle containing salvolaltite having the doses and mode of administration indicated on the label; (vii) a snake-bite lancet; (viii) one (1 oz) bottle of potassium permanganate crystals; (ix) one pair of scissors; (x) eye-drops; (xi) one roll of adhesive plaster; (xii) a bottle containing 100 tablets (each of 5 grams) of aspirin; (xiii) ointment for burns; (xiv) a bottle of suitable surgical antiseptic solution. (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.



## **26. Notice regarding first-aid.**

- A notice showing the name of the person who is trained in first-aid treatment and who is in charge of the first-aid boxes or cupboards shall be posted in every industrial premises at a conspicuous place and near each such box or cupboard. The name of the nearest hospital and its telephone number shall also be mentioned prominently in the notice.

## **27. Canteens.**

(1)The employer of every industrial premises wherein not less than 250 employees are ordinarily employed shall provide in or near, the industrial premises, a canteen.(2)The canteen shall not be situated within 15.2 metres of any latrine, urinal or any other source of dust, smoke or obnoxious fumes.(3)The canteen building shall consist of at least a dining hall, kitchen, storeroom and pantry in addition to washing places separately for male and female employees and for utensils.(4)The minimum height of the building shall be not less than 3.7 metres and all the walls and roof shall be of suitable heat-resisting materials and shall be water proof. There shall be provision for adequate ventilation. The doors and windows shall be of fire proof construction.(5)The canteen shall be sufficiently lighted at all times when any person has access to it.(6)(a)In every canteen -(i)all inside walls of the rooms and all ceilings and passages and staircases shall be lime-washed or colour-washed at least once in each year or painted once in three years dating from the period when last lime-washed or colour washed or painted, as the case may be;(ii)all wood-work shall be varnished or painted once in three years dating from the period when last varnished or painted;(iii)all internal structural iron or steel work shall be varnished or painted once in three years dating from the period from when last varnished or painted :Provided that, the inside portion of the walls of the kitchen shall be lime-washed once in every four months.(b)The dates on which lime-washing, colour washing, varnishing or painting is carried out shall be entered by the employer in the register maintained in Form III.(7)The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.(8)(a)The dining hall shall accommodate at a time at least 30 per cent, of the employees working at a time.(b)The floor of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than 93 square metres per dinner to be accommodated as specified in clause (a).(c)A portion of the dining hall and service counter shall be partitioned off and reserved for women employees in proportion to their number. Washing places for women shall be separate and screened to secure privacy.(d)Sufficient tables, stools, chairs or benches shall be available for the number of dinners to be accommodated as specified in clause (a).(9)(a)There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.(b)The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. 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 the utensils and equipment.(c)Food and food material shall be stored in fly proof safe and handled with the help of wooden lables or suitable metal forceps, whichever is convenient. Vessels once used shall

be scalded, before being used again.(10)Food, drinks and other items served in the canteen shall be served on a no profit no loss basis; and in computing the charges to be made for such food, drink or other items, the following items shall not be taken into consideration, namely :-(a)the rent for the land and building;(b)the depreciation and maintenance charges of the building and equipment provided for the canteen;(c)the cost of purchase, repairs and replacement of equipment, including furniture, crockery, cutlery and utensils;(d)the water charges and other charges incurred for lighting and ventilation; and(e)the interest on the amounts spent on the provision of maintenance of furniture and equipment provided for the canteen :Provided that, where the canteen is managed by a co-operative society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960, such society may include in the charges to be made for any such food, drink or other items served, a profit upto 5 per cent, on its working capital employed in running the canteen :Provided further that, nothing in this rule shall apply in respect of such industrial premises as the State Government may by an order specify in this behalf, regard being had to the accommodation provided therein.

## **Chapter IV**

### **Working Hours, Leave, Appeals in Case of Dismissal, etc.**

#### **28. Notice and register of periods of work.**

(1)Every employer shall exhibit in his industrial premises, a notice in Form IV specifying clearly the daily hours of work, intervals for rest and weekly holiday allowed to the employees or, as the case may be, to each class of employees.(2)Every employer shall maintain a register showing the hours actually worked including overtime in Form V. This register shall be written up afresh every year and shall be preserved for a period of three years.

#### **29. Method of calculating cash equivalent of concessional sale of foodgrains etc.**

(1)The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed at the end of every wage period fixed under the provisions of the Payment of Wages Act, 1936 (4 of 1936).(2)For the purposes of section 18 the cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles to an employee required to work overtime shall be computed as a sum equivalent to (he difference between the value of such foodgrains and other articles at the average market rates prevailing during the wage period in which the employee worked overtime and the concessional price thereof.

#### **30. Register of leave with wages.**

(1)The employer shall in respect of employees employed in his industrial premises keep an up-to-date register in Form VI [(hereinafter referred to as the Register of Leave with Wages (Regular Employees))]:Provided that, if the competent authority is of opinion that any muster roll or

register maintained by the employer as a part of the routine of the industrial premises gives the particulars required for the enforcement of the provisions of sections 26 and

## **27.**

, he may by order in writing permit such muster roll or register to be treated as the register required to be maintained under this sub-rule in respect of that industrial premises.(2)The employer shall in respect of the employees who are permitted to work in their houses (hereinafter referred to as the home-workers) maintain an up-to-date register in Form VII [hereinafter referred to as the Register of Leave with Wages (Home-workers)]. The register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

## **31. Leave Book.**

(1)The employer shall provide each employee (including a home-worker) with a book in Form IV or Form VII, as the case may be (hereinafter referred to as the Leave Book).(2)The Leave Book shall be the property of the employee and the employer shall not demand it except for making entries therein and shall not keep it for more than a week time.(3)If an employee loses his Leave Book, the employer shall provide him with a duplicate copy on payment of ten paise, within 15 days and shall complete it from his record.

## **32. Appeals under section 31.**

- [(1) Subject to the provisions of sub-rule (2) the appellate authority for the purposes of sub-section (2) of section 31 shall be the Assistant Commissioner of Labour; and he shall have jurisdiction to hear appeals (including appeals pending disposal on the date of the coming into force of the Maharashtra Beedi and Cigar Workers (Conditions of Employment) (Amendment) Rules, 1977 in such areas as the State Government may by notification in the Official Gazette, specify in this behalf.(1-A) Notwithstanding anything contained in sub-rule (1), the appeals which were partly heard by the authorities which were competent to hear them immediately before the coming into force of the Maharashtra Beedi and Cigar Workers (Conditions of Employment) (Amendment) Rules, 1977, shall be disposed of by those authorities as if the said rules had not been made.] [Substituted by Maharashtra Notification No. B.C.A. 1074/RC-64/LSAB-5, dated 1.1.1977.](2)An employee who is discharged, dismissed or retrenched may prefer an appeal under sub-section (2) of section 31, to the appellate authority specified under sub-rule (1) within a period of thirty days from the date of communication of the order of such discharge, dismissal or retrenchment:Provided that, an appeal may be admitted after the said period of thirty days, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.(3)The notice to be given by the appellate authority under clause (b) of subsection (2) of section 31 shall -(a)in the case of a notice to an employer be in Form VIII; and(b)in the case of a notice to an employee, be in Form IX;and every such notice shall be sent to the party concerned by the registered post acknowledgement due.

### **33. Procedure to be followed by Labour Courts in deciding appeals.**

- The [appellate authority] [Substituted by Maharashtra Notification No. BCA. 1074/RC-64/LAB-5, dated 1.1.1977.] in deciding appeals under sub-section (2) of section 31 of the Act may follow the procedure of judicial inquiry and cover the spot inspection, examination of documents, witnesses and other evidences produced by the parties. For this purpose, the [appellate authority] [Substituted by Maharashtra Notification No. BCA. 1074/RC-64/LAB-5, dated 1.1.1977.] shall have the same powers as are vested in the Labour Court under the Industrial Disputes Act, 1947 in so far as they are applicable in deciding such appeals.

## **Chapter V**

### **Miscellaneous**

### **34. Disputes relating to issue of raw materials by employer.**

(1) Any dispute between an employer and an employee or employees in relation to -(a) the issue by the employer of raw materials to the employee; (b) the rejection by the employer of beedi or cigar or both made by an employee; or (c) the payment of wages for the beedi or cigar or both rejected by the employer, may be referred in writing by the employer or the employee or employees to the Labour Officer notified under the Bombay Industrial Relations Act, 1946 of the local 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 case decide the dispute and record the proceedings in Form X. (2) Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of fifteen days from the date of the decision to the Assistant Commissioner of Labour concerned : Provided that, the Assistant 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.

### **35. 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.

### **36. Sorting or rejection of beedis [or cigars] [Added by G. N. of 3.11.1970.].**

- The work of sorting or rejection of beedis [or cigars] [Added by G. N. of 3.11.1970.] manufactured by the employees shall ordinarily be got done by the employer at the place or premises where the beedis [or cigars] [Added by G. N. of 3.11.1970.] are manufactured and in the presence of the employees who manufactured the beedis [or cigars] [Added by G. N. of 3.11.1970.].

### **37. Limit with regard to the rejection of beedis or cigars.**

(1) No employer or contractor shall ordinarily reject as sub-standard to chhat or otherwise more than five per cent of the beedis or cigars, or both, received from the worker including a home worker. (2) Where any beedi or cigar is rejected as sub-standard or chhat or otherwise on any ground other than the ground of wilful negligence of the worker shall be paid wages for beedis or cigars so rejected at one-half of the rate at which wages are payable to him for the beedis or cigars, or both, which have not been so rejected.

### **38. Payment of wages to a home-worker.**

- Where raw materials are supplied to a home-worker at his residence, the wages due to him shall be paid either at his residence or at a place from where the raw materials are supplied to him and where the beedis are handed over to him : Provided that, an Inspector may, if he considers it expedient so to do in the circumstances of any cases, specify in respect of any home-workers any other place or places at which wages shall be paid.

### **39. Protection against fire.**

- In every industrial premises, the employer shall provide adequate fire-fighting equipment.

### **40. Returns.**

- The employer in respect of every industrial premises shall send to the competent authority on or before the 13th day of every month a monthly return in Form XI and furnish to that authority an annual return in Form XII on or before the 30th April of every year.

### **41. Maintenance of certain registers.**

(1) Every employer shall, in respect of the employees employed on the industrial premises, maintain a muster roll in Form XIII, and entries therein shall be made at the commencement of the work each day. (2) Every employer shall provide free of cost to each home-worker two books in Form XIV (hereinafter referred to as the 'home-workers' 'log books') and the homeworkers shall keep a record of the daily work done by him, the number of beedis and cigars manufactured by him and the wages received by him in the said book and the supply of books shall be so arranged that one book remains with the home-worker at all times during the period between two successive supplies of raw materials by the employer. (3) Every employer shall maintain a home-workers' employment register in Form XV containing the names and particulars of all the home-workers employed under him, and the entries in the register shall be made and kept up-to-date on the basis of the entries in the home-workers' log books. (4) Every employer shall maintain an Inspection Book in which an Inspector visiting the industrial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection, and the employer shall produce such book whenever required so to do by the Inspector. In case, the Inspection Book containing remarks passed by the

Inspector is lost, the employer shall forthwith report in writing the loss of the Inspection Book to the Inspector of the area and immediately maintain a new Inspection Book. The employer shall obtain as early as possible copies of all available remarks from the Inspector concerned, on payment of necessary typing charges. (5) Every employer shall maintain a register of overtime work in Form XVI. (6) An abstract of the Act and the rules made thereunder shall be displayed in some conspicuous part of every industrial premises. (7) Every register referred to in 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.

#### **42. Record of outside work.**

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

#### **43. Information required by Inspector.**

(1) Every employer shall furnish to an Inspector such information as the Inspector may require for the purpose of satisfying himself whether any provision of the Act or of the rules made thereunder has been, or is being, duly carried out. (2) Where any information is required by an Inspector during the course of his Inspection and the required information is readily available, the employer shall forthwith furnish such information to the Inspector; and where any requisition for information is made by the Inspector at any other time, the information sought for shall be supplied by the employer within ten days from the date of receipt of the requisition.

#### **44. Notice to be sent by registered post.**

- Every notice or order under the Act or the rules thereunder, addressed to any employer of beedi or cigar worker, shall be presumed to have been duly served if such notice has been sent by registered post. Form 1 (See rules 3, 4 and 5) Application for grant or renewal of licence for the financial year commencing on 19

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 commencing on.....
4. Full name and residential address of the person who shall be the employer for the purposes of the Act.  
If the employer is a company within the meaning of the Explanation to section 34, state the full
5. name of the Director, partner or the person in charge of and responsible to the Company. (See Note 1 at the end).

6. Financial resources of the employer e.g. particulars and value of movable and immovable properties, bank reference, income-tax assessment.
  7. Whether the employer is a trade mark holder registered under the Trade and Merchandise Marks Act, 1958.
  8. Value of beedies or cigars or both manufactured at the industrial premises during the preceding financial year ending on.....
  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 ....  
Whether the beedis or cigars or both manufactured by the applicant\* will be sold and marked by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.
  14. Whether the plans of the premises are enclosed.
  15. Amount of fee Rs.....(Rupees.....) paid in Treasury on.....vide Chalan No..... enclosed.
- \*. The application for licence may however be made either by the contractor or the employer. Note 1. - Where an industrial premises is run or proposed to be run by a contractor for or on behalf of another person including a company aforesaid the said other person or company is under the Act the employer and particulars to be entered for "employer" in the Form should be in regard to such person. 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. I hereby declare that the above particulars furnished by me are to the best of my knowledge and belief accurate. Date: Signature of applicant. Form II (See rule 6) Licence Licence No. Fee Rs. Registration No. Licence is hereby granted to ..... Valid only for the premises described below for use as an industrial premises employing not more than..... employees on any one day during the year commencing on ..... subject to the conditions specified in the Annexure. The licence shall remain in force till the 31st day of March. Name of industrial premises :..... Situation of the industrial premises. (The part of the industrial premises in which the manufacturing is carried on shall be specifically indicated) :..... Signature and Seal of the competent authority. Date : Renewal (Rule 4) Date of renewal For number of employees not exceeding Fees paid for renewal Date of expiry
- |     |     |     |     |
|-----|-----|-----|-----|
| (1) | (2) | (3) | (4) |
|-----|-----|-----|-----|

1.2.3.4.

Signature and seal of the competent authority. Date ..... Annexure This licence is subject to the following conditions:-

- 1. The manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence.**
- 2. The maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence.**
- 3. Power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises.**
- 4. Except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises.**
- 5. The licence shall not be transferable.**
- 6. The heirs or legal representatives of the licensee shall have no claim whatsoever to the continuance of this licence, and it shall be entirely within the discretion of the competent authority to permit or not (he heir or legal representative of the licensee in case of his death to have the benefit of the licence for the unexpired portion of the terms for which it is granted. If the heir or legal representative of the deceased licensee is permitted to have the benefit of the licence, such heir or legal representative shall get an endorsement from the competent authority made to that effect on his licence.**

Form III[See rules 12(2), 18(3), 27(6)(b)]Record of white-washing, colour-washing, varnishing and painting and cleaning

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

Form IV[See rule 28(1)]Figures 1, 2, 3 relate to 1st,



## 2nd. and 3rd shifts or relays.

Notice and register of periods of workName of the industrial premises ..... Place ..... District  
.....

Period of work (including interval of rest)	Men	Women and young persons	Description of groups	Remarks
(Total number of men employed)	(Total number of women and young personsemployed)	Group letter	Nature of work	
(1)	(2)	(3)	(4)	(5)
	A	B	C	D E F (---)
123	123	123	123	12 12 A
On working days			B	
From			C	
To			D	
From			E	
To			F	
On partial working days				
From				
To				
From				
To				
Weekly holidays				
Date on which this notice comes into force	Employer.			

Form V[See rule 28(2)]Register showing hours of work including overtimeWeek ending.....

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

(Separate page shall be allotted to each employee)Form VI[See rules 30(1) and 31(1)]Register of  
Leave with Wages (Regular Employees)Leave Book

Adult/young person

Name :

Father's Name :

Date of joining the industrial premises  
:

Date of discharge :

Date and amount of payment made in  
lieu of leave due :

Name of industrial premises :

Serial No.

Date of entry into service :

Leave at Credit

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

[Separate page shall be allotted to each employee] Form VII [See rules 30(2) and 31(1)] Register of Leave with Wages (Home-workers) Leave Book

1. Name of the industrial premises
2. Serial No.
3. Name of employee and age
4. Father's/husband's name
5. Date of entry into service
6. Date of discharge
7. Amount paid in lieu of leave
8. Calendar year of service
9. No. of days worked during the year
10. Balance of leave from preceding year

11. Leave earned during the year mentioned in column (8)
12. Total of columns (10) and (11)
13. Leave enjoyed from.....to
14. Balance of leave to credit.
15. Normal rate of wages, i.e. daily average of full-time earnings in cash.
16. Cash equivalent of advantage accruing through concessional sale of food grains, etc., if any.
17. Rate of wages for the leave period (total of columns 15 and 16).
18. Date and amount paid
19. Remarks

Form VIII[See rule 32(3)(a)] Notice to the employer under clause (b) of sub-section (2) of section 31 Shri .....has appealed to the Appellate Authority under clause (a) of sub-section (2) of section 31 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, against the orders of his discharge/dismissal/retrenchment. A copy of his appeal petition is enclosed. The appeal has been posted for hearing on the ..... day of ..... 19 ..... at ..... a. m./p.m. at ..... You should appear before the Appellate Authority on that day 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.[Seal] [Inserted by G. N. of 3.11.1970.] Appellate Authority

Form IX[See rule 32(3)(b)] Notice to the employee under clause (b) of sub-section (2) of section 31 Your appeal has been posted for hearing on the.....day of..... 19 ..... at ..... a.m./p.m. You should appear before the Appellate Authority on that day to prove the claim. You must be prepared to produce on that day all the witnesses on whose evidence and all documents upon which you intend to rely in support of your case. In default of your appearance on that day, the matter will be heard and determined in your absence.[Seal] [Inserted by G. N. of 3.11.1970.] Appellate Authority.

Form X[See rule 34(1)]

1. Serial No.
2. Date of application
3. Name or names, parentage, address or addresses of applicants or some or all of the applicants.
4. Name and address of the employer
5. Substances 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

Dale(Signed)[Seal] [Inserted by G. N. of 3.11.1970.] Form XI[See rule 40] Monthly Return

1. Name of the industrial premises and full postal address
2. No. and date of licence
3. Month to which the return pertains
4. Name of the employer
5. Name of the principal employer if the employer is working as contractor for principal employer

6. Quantity of beedi and/or cigar tobacco released by the Central Excise Department
7. Quantity of beedi and/or cigar tobacco supplied by the principal employer
8. Number of beedis or cigars manufactured by the employer in industrial establishment
9. No. of beedis and/or cigars manufactured by the employer in places other than industrial establishment, i.e. workers working in their homes.
10. Number of beedis and/or cigars sold and to whom

Date Signature of employer. Form XII [See rule 40] Annual Return

1. Name and address of the industrial premises.
2. No. and date of licence
3. Name of the employer
4. Name of the principal employer if the employer is working as contractor for a principal employer.

- [Average number of employees employed daily in the industrial premises] [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.] -
- 5.

Men

Women

Young persons -

Male

Female

- [Average monthly No. of home-workers employed (i.e. who work in their homes).] [The average shall be calculated by dividing the aggregate No. of workers on the Home Workers Employment Register during each of the preceding 12 months by twelve.]
- 6.
  7. Normal hours worked per week in the industrial premises.
  8. Number of days worked in the year in the industrial premises.
  9. Number of employees who were granted leave during the calendar year.

Young persons -

(a) Employed in the industrial premises

(b) Employed in homes

Other than young persons -

(a) Employed in the industrial premises

(b) Employed in homes

10. No. 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. Form XIII [See

rule 41(1)]Muster roll of employeesDate :Name and address of the industrial premises :

Serial No. Name Designation Group Relay Shift Number Period of work Remarks

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

Form XIV[See rule 41(2)]Home-workers Log Book

## 1. Name of the home-worker

## 2. Address of the home where manufacturing process is carried on

## 3. Month

Account of the work done at homes

Date Whether work was done No. of beedis manufactured Wages received

(1) (2) (3) (4)

## 1. Total number of days worked in the month :

Date and signature or thumb-impression of the home-worker.Form XV[See rule 41 (3)]Home Worker's Employment RegisterMonth ending.....(Beedis manufactured should be shown in respect of 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

Name of worker Address of Home Wages paid - Dates

16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Form XVI[See rule 41(5)]Register of Overtime WorkMonth ending.....19

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

10. Overtime earnings

11. Cash equivalent of advantage accruing through the concessional sale of foodgrains, etc.

12. Total

13. Date on which overtime payment made.

Form XVII[See rule 42]Record of outside workNumber 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	Quantum of beedi leaves given for wetting and cutting outside the industrial premises (kgs.)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Notification G.N., I. & D., No. BCA. 1167/140551-(ii) Lab-II, dated 28th March, 1968 (M.G., Part I-L, p. 1401). - In pursuance of sub-rule (2) of rule 1 of the Maharashtra Beedi and Cigar Workers (Conditions of Employment) Rules, 1968, the Government of Maharashtra hereby appoints the 1st April, 1968 to be the date on which the said rules except rules 24 and 27 thereof shall come into force.