

The Bihar Beedi and Cigar Workers (Conditions of Employment) Rules, 1968

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Rule

THE-BIHAR-BEEDI-AND-CIGAR-WORKERS-CONDITIONS-OF-EMPLOYMENT of 1968

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Chapter I Preliminary

1. Short title.

- These rules may be called the Bihar Beedi and Cigar Workers (Conditions of Employment) Rules, 1968.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Act" means the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966);(b)"Chief Inspecting Officer" means the Chief Inspecting Officer appointed under sub-section (2) of Section 29 of the Bihar Shops and Establishments Act, 1953 (Bihar Act VIII of 1954);(c)"Form" means a Form appended to these rules; and(d)"Section" means a section of the Act.

Chapter II

Licensing of Industrial Premises

3. Form of application for grant of licence and licence fees.

(1) Every application under sub-section (1) of Section 4 for a licence to use or allow to be used any place or premises as an industrial premises shall be made in duplicate in Form I. (2) The application shall be accompanied by the following documents, namely: (a) plans in triplicate showing- (i) the site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place or premises, including adjacent buildings, structures, roads, drains and the like; and (ii) the plan, elevation and necessary cross-sections 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 relation to, the various buildings which are intended to be used for manufacturing processes; (b) the treasury receipt showing that the appropriate fee for the licence as specified in Rule 8 has been paid. (3) The application in duplicate together with the documents specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority. (4) Before granting a licence, the competent authority shall also take into consideration whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed, by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour. (5) The said application shall be made within thirty days of the date of coming into force of the Bihar Beedi and Cigar Workers (Conditions of Employment) Rules, 1968, in the case of existing industrial premises, and at least thirty days before the proposed date of establishment of the new industrial premises.

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 receipt showing that the appropriate fee for the renewal of the licence specified in rule 8 has been paid. (2) The application together with the document specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority. (3) The provisions of sub-rule (4) of rule 3 shall, so far as may be, apply to an application made under this rule.

5. Form and terms and conditions of licence.

(1) A licence under Section 4 shall be in Form II. (2) Every licence granted or renewal under Section 4 shall be subject to the following conditions, namely: (i) the manufacturing process shall be carried on only in that part of industrial premises specified for the purpose in that licence; (ii) the maximum number of employees employed in the industrial premises shall not in any way exceed the number specified in the licence; (iii) power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises; (iv) except with the prior permission in writing of the

competent authority, the industrial premises shall not be extended and except with the like permission, no structural alteration shall be made in any building on such premises;(v)the licence shall not be transferable;(vi)except as provided in rule 3, the fees paid for the grant, or as the case may be, renewal of the licence, shall be non-refundable.

6. Issue of duplicate licences.

(1)If a licence under Section 4 is lost, stolen or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was issued or, as the case may be, last renewed, and may make an application to that authority for the issue of a duplicate licence.(2)The application shall be accompanied by a treasury receipt showing that the fee for the issue of a duplicate as specified in rule 8 has been paid.(3)On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the licence duly stamped "duplicate" in red ink.

7. Appeals under rule 5.

- An appeal under Section 5 of the Act shall-(a)be made in writing within a period of thirty days from the date of receipt of the order sought to be appealed against;(b)be accompanied by a treasury receipt showing that the appropriate fee in respect of the appeal as specified in rule 8 has been paid.

8. Fees.

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

		Fees for industrial premises in which power-driven machinery is used.	Fees for industrial premises in which powerdriven machinery is not used.
		1	2
		Rs.	Rs.
If the number of employees proposed to be employed on any dayduring the financial year for which the licence is granted orrenewed-			
(a)	does not exceed ten	15	10
(b)	exceed ten but does not exceed	30	20

	twenty.		
(c)	exceeds twenty but does not exceed fifty.	75	50
(d)	exceeds fifty but does not exceed hundred.	150	100
(e)	exceeds hundred but does not exceed two hundred and fifty.	300	250
(f)	exceeds two hundred and fifty.	550	500

Provided that where an application for grant or renewal of a licence as the case may be, is submitted after the expiry of the prescribed time-limit of 30 days, the competent authority may, after giving the opportunity to the applicant to show-cause for the delay and by an order in writing, impose a penalty fee up to three times the fee payable in respect of the said industrial premises.(2)The fees to be paid for the grant of a duplicate licence or for carrying out any amendment of the licence already granted shall be rupees five :Provided that where the proposed amendment changes any of the particulars in respect of the number of employees or in respect of use of power driven machinery in such a manner as to make the industrial premises liable to pay a higher fee as per the fees prescribed under rule 8 (1) the amendment shall be effected only on payment of the difference between the fee payable on the amended licence and the fee already paid together with the additional fee of rupees five.(3)The fees payable in respect of an appeal under Section 5 of the Act shall be-(a)rupees fifteen in the case of an appeal against an order refusing to grant or renew a licence in respect of any place or premises the maximum number of employees proposed to be employed whereon is one hundred or more;(b)rupees ten, in any other case.(4)The fees payable as specified in this rule shall be paid into the nearest Government treasury under the head of account "XXXII-Miscellaneous Social and Development Organisation-Labour and Employment-Fees realised under the Beedi and Cigar Workers (Conditions of Employment) Act, 1968."

9. Refund of fees.

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

9A. Amendment of licence.

- A licence may be amended by the competent authority on application and after due enquiry on payment of the fees as prescribed in Rule 8 (2).

Chapter III

Health and Welfare

10. 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 staircase and passages and disposed of in a suitable manner; (b) the floor of every work room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method; (c) all inside walls and partitions, ceilings of rooms and 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, be re-painted or re-varnished at least once in every period of five years; (iii) in any other case, be kept whitewashed or colour-washed at least once in every twelve months. (2) The record of the dates on which whitewashing, colour-washing varnishing, painting or cleaning, as the case may be, was carried out under sub-rule (1) shall be entered by the employer in a register maintained in Form III.

11. Ventilation.

- In every work-room of an industrial premises, windows and other forms of opening for ventilation shall be provided in sufficient number to admit a continued supply of fresh air, as to keep the atmosphere inside such room or hall comfortable and free from dust, fumes and other impurity.

12. Latrines.

(1) Latrine accommodation shall be provided in every industrial premises at the rate of one latrine seat for every twenty male employees : Provided that where the number of such male employees exceeds hundred, it shall be sufficient if there is one latrine seat for every twenty-five male employees up to the first hundred and one seat for every fifty in excess thereof. Explanation. - In calculating the number of seats required in accordance with the provisions of this sub-rule, and 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 of as to secure privacy and each partition shall have a private door and fastenings. (4) Where employees of both sexes are employed in any industrial premises, there shall be displayed outside each latrine block thereon a notice in the language understood by the majority of the employees reading "for men only" or, as the case may be, "for women only" and such notice shall also bear the picture of a man or a woman as the case may be.

13. Urinals.

(1)Urinal accommodation shall be provided in every industrial premises other than industrial premises where less than fifty persons are employed or where the latrines are connected to a water borne (sewage system) and such accommodation shall not be less than six metres in length for every fifty employees :Provided that where the number of employees employed in premises exceeds five hundred, it shall be sufficient if there is one urinal for every fifty employees up to the first 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 (1).

14. Latrines and urinals to be connected to sewage system whenever 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 septic tank latrine, shall be connected with such sewage system if the industrial premises is situated within 3.05 metres of that sewage system.

15. Whitewashing and colour-washing of latrines and urinals.

(1)The walls, ceilings and partitions of every latrine and urinal shall be whitewashed 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 portion of such walls, ceilings and partitions which are laid in glazed files or otherwise finished to prove a smooth-polished impervious surface but such walls, ceiling, 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 whitewashing or colour-washing is carried out under sub-rule (1), as the case may be, or washing with detergents and disinfectants is carried out under sub-rule (2) shall be entered by the employer in the register maintained in Form III.

16. Construction and maintenance of drains.

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

17. Water taps, etc., in latrines.

- Where piped water-supply is available, a sufficient number of water taps conveniently accessible shall be provided in or near latrines on an industrial premises and where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes in or near such latrines.

18. Washing facilities.

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

19. Creches.

(1) The employer shall submit for the approval of the competent authority detailed plans in triplicate of the rooms to be constructed or adopted for use as creche under Section 14. (2) The creche shall conform to the following standards, namely: (a) the creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable it shall not be situated in close proximity to any part of the industrial premises where obnoxious fumes, dust or odours are given off; (b) the room or rooms used as creche shall be soundly constructed and all the walls and roof thereof shall be of heat-resisting materials and shall be water-proof; (c) floor and internal walls of the creche upto a height of 1.2 meters shall be so laid or finished as to provide a smooth impervious surface; (d) the height of each room used as a creche shall not be less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein; (e) effective and suitable provision shall be made in every part of a creche for securing and maintaining adequate ventilation by the circulation of fresh air; (f) the creche shall be adequately furnished and equipped and in particular there shall be made available- (i) for each child of more than two years of age a suitable bedding; (ii) for each child of not more than two years of age a suitable cot or creche with the necessary bedding; (iii) at least one chair or other similar sitting accommodation for the use of each mother while she is feeding or

attending to her child; and (iv) a sufficient supply of suitable toys for the older children. (3) There shall be in or adjoining a creche a suitable washing room for the washing of the children and their clothing and such room shall conform to the following standards, namely :- (a) the floor and internal walls of the room upto a height of 0.9 c.m. shall be so laid or finished as to provide a smooth impervious surface; (b) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition; (c) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps; (d) supply of at least 22.7 litres of water per day for each child shall be made available; (e) an adequate supply of clean clothes, soap and clean towels shall be made available for the use of each child; (f) adjoining the wash room, a septic type latrine shall be provided for the sole use of the children in the creche and the same shall be kept clean and in a sanitary condition. (4) The employer shall make available at least half-a-pint of pure milk for each child on every day it is accommodated in the creche and the mother of such child shall, in the course of daily work, be allowed adequate intervals of not less than fifteen minutes to feed the child. (5) In addition to providing milk in accordance with the provisions of sub-rule (4), the employer shall provide for children above two years of age who are accommodated in the creche an adequate supply of wholesome refreshment. (6) The employer shall appoint a woman trained in the care of children and infants and sufficient number of ayahs for the purpose of looking after the children accommodated in a creche and he shall also provide suitable equipment and facilities. Explanation. - The number of ayahs to be appointed in the creche shall be calculated at the rate of one ayah for every children. (7) The employer shall provide for the staff employed in a creche suitable clean clothes for use while on duty in the creche. Explanation. - In this rule, 'child' means a child under six years of age of a female employee.

20. First-aid.

(1) In every industrial premises, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or 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 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 equipments, namely:- (i) six small sterilised dressings; (ii) three mediums-size sterilised dressings; (iii) three large-size sterilised dressings; (iv) three large-size sterilised burn dressings; (v) one (1 oz.) bottle containing a 2 per cent alcoholic solution of iodine; (vi) one (1 oz.) bottle containing salvolatile having the dose and mark of administration indicated on the label; (vii) a snake-bite lancet; (viii) one (1 oz.) bottle of potassium permanganate crystals; (ix) one pair scissors; (x) eye-drops; (xi) adhesive plaster; (3) Each first-aid box or cupboard shall be kept in the charge of a person who is trained in first-aid treatment and who shall always be readily available during the working hours of the industrial premises.

21. Canteens.

(1) The employer of every industrial premises wherein not less than 250 employees are ordinarily employed shall provide in or near, the industrial premises, a canteen. (2) The canteen shall not be situated within 15.2 metres of any latrine, urinal or any other source of dust. (3) The canteen building

shall consist of at least a dining-hall, kitchen, storeroom and pantry in addition to washing places separately for employees and for utensils.(4)The minimum height of the building shall be not less than 3.7 metres and all the walls and roof shall be of suitable heat resisting materials and shall be waterproof. There shall be provision for adequate ventilation. The doors and windows shall be of fly-proof construction.(5)The canteen shall be sufficiently lighted at all times when any person has access to it.(6)(a)In every canteen-(i)all inside walls of room and all ceilings and passages and stair-cases 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 woodwork shall be varnished or painted once in three years dating from the period when last varnished or painted;(iii)all internal structural iron or steel work shall be varnished or painted in three years dating from the period when last varnished or painted:Provided that the inside portion of the walls of the kitchen shall be lime-washed once in every four months;(b)The dates on which lime-washing, colour-washing, varnishing or painting is carried out shall be entered by the employer in the Register maintained in Form III.(7)The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to create 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 percent 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 98 square metres per diner to be accommodated as specified in clause (a).(c)A portion of the dining-hall and service counter shall be partitioned off and reserved for women employees in proportion to their number. Washing places for women shall be separate and screened to secure privacy.(d)Sufficient tables, chairs, or benches shall be available for the number of diners to be accommodated as specified in clause (a).(9)(a)There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.(b)The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipments.(c)Food and food materials shall be stored in fly-proof safes and handled with the help of wooden or suitable metal forceps whichever is convenient. Vessels once used shall be scaled being used again.(10)Food, drinks and other items served in the canteen shall be served on a no-profit no-loss basis.

Chapter IV

Working Hours, Leave, Appeals in cases of dismissal, etc.

22. Notice and register of periods of works.

(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 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 over time in Form V.

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

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

24. Register of leave with wages.

(1)The employer shall in respect of employees employed in his industrial premises keep an up-to-date register in Form VI (hereinafter referred to as the Register of Leave with Wages of Regular Employees):Provided that if the competent authority is of opinion that any muster roll or register maintained by the employer gives the particulars required for the enforcement of the provisions of Sections 26 and 27, he may by order in writing permit such muster roll or register to be treated as the register required to be maintained under this sub-rule.(2)The employer shall in respect of the employees who are permitted to work in their house (hereinafter referred to as the home-workers) maintain an up-to-date register in Form VII (hereinafter referred to as the Register of Leave with Wages of Home-workers).

25. Leave book.

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

26. Appeal under Section 31.

- [(1) The appellate authority for the purposes of sub-section (2) of the Section 31 shall be-(i)Presiding Officer of the Labour Court having the jurisdiction over the area concerned; or(ii)Deputy Commissioner of Labour of the local area; or(iii)Where no Deputy Commissioner of Labour is posted, the Assistant Commissioner of Labour of the area].(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 3 shall-(a)in the case of a notice to an employer, be in Form VIII; and(b)in the case of a notice to an employee, be in Form IX;and every such notice shall,be sent to the party concerned by registered post with acknowledgement due.

Chapter V

Miscellaneous

27. Disputes relating to issue of raw materials by the employer.

(1)Any dispute between an employer and an employee or employees in relation to-(a)the issue by the employer of raw materials to the employees;(b)the rejection by the employer of beedi or cigar or both made by an employee;(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 Superintendents [* * * * *] [In clause (c) of sub-rule (1) of Rule 27, the words 'and the Labour Officers', omitted by S.O. 1475, dated 25-9-1979.] of the area concerned who shall after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective cases decide the dispute and record the proceedings in Form X. [(1-A) If the Labour Superintendent of the area concerned has reasons to believe that any employer of his area issues inadequate new materials to the employees for manufacture of beedis or makes a distinction between male and female employees in the matter of raw materials to be issued for the manufacture of beedis or rejects as sub-standard or chhant more than the prescribed percentage of Beedis or Cigars or both received from a worker including a house worker or pays wages for the Beedis or Cigars so rejected at a lesser rate than the rate prescribed under these rules, the Labour Superintendent may suo moto after making such enquiries as he may consider necessary and after giving the employer and the worker or workers concerned an opportunity of being heard, issue appropriate directions to the employer and record the proceedings in Form X.] [Inserted by S.O. 15, dated 15-1-1980.](2)Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of thirty days from the date of the decision to the [Assistant Commissioner of Labour of the local area] [Inserted by S.O. 15, dated 15-1-1980.] whose decision thereon shall be final:Provided that the Chief Inspecting Officer may admit an appeal after the said period if the appellant satisfies such authority that he had sufficient cause for not preferring the appeal within that period.

28. Supervision of distribution of raw materials.

- No employer shall, if he is required so to do by an Inspector by an order in writing, distribute, except under the supervision of the Inspector making the order of the supervision of another Inspector, raw materials to such employee or employees and during such period as may be specified in the order.

29. Limit with regard to the rejection of beedis or cigars.

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

30. Payment of wages to 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-workers any other place or places at which wages shall be paid.

31. Protection against fire.

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

32. [Returns. [Substituted by S.O. 321, dated 27-2-1982.]

(1) The employer in respect of every industrial premises shall send to the competent authority on or before the 10th day of every month, a monthly return in Form XI and furnish to that authority an annual return in Form XII on or before the 30th April of every year. (2) Every principal employer shall maintain a register of contractors in Form XVIII and shall furnish an annual return in respect of the labour employed through contractors to the competent authority in Form XIX so as to reach the said authority on or before the 30th April of every year [Substituted by S.O. 1475, dated 25-9-1979.].

33. Maintenance of certain registers.

(1) Every employer shall in respect of the employees employed on the industrial premises maintain a muster roll in Form XIII, and entries therein shall be made at the commencement of the work each day. (2) Every employer shall provide free of cost to each home-worker two books in Form XIV (hereinafter referred to as the 'home-workers' log-books) and the home-worker shall keep a record of the daily work done by him, the number of beedis and cigars manufactured by him and the wages received by him in the said book and the supply of books shall be so arranged that one book remains with the home-workers at all times during the period between 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 upto date on the basis of the entries in the home-workers' log-books. (4) Every employer shall maintain a visitor's book in which an Inspector

visiting the industrial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection and the employer shall produce such book whenever required so to do by the Inspector.(5)Every employer shall maintain a register of overtime work in Form XVI.(6)An abstract of the Act and the rules made thereunder shall be displayed in some conspicuous part of every industrial premises.(7)Every register referred to in 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.(8)[Where the manufacturing process in any establishment has been entrusted to a contractor, the registers to be maintained under sub-rules (1),(3), (4) and (5) may be entrusted to the contractor and every such register maintained by the contractor shall be deemed to have been maintained by the principal employer.] [Added by S.O. 321, dated 27-2-1982.]

33A. [Employment Card. [Inserted by S.O. 1684, dated 10-12-1979.]

(1)Every employer shall issue an Employment Card in Form No. XVIII to each Beedi Worker within three days of the employment of the worker.(2)The Card shall be maintained upto date and any change in the particulars shall be entered therein],

34. Record of outside work.

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

35. Information required by Inspector.

(1)Every employer shall furnish to an Inspector such information as the Inspector may require for the purpose of satisfying himself 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.

36. Notice to be sent by registered post.

- Every notice or order under the Act or the rules made 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 No. 1[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 communication 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 ends).

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.

8. Value of beedis or cigar 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.

15. Amount of fee Rs. paid in Treasury Challan No. (Rupees _____).
vide enclosed

premises (e.g. name of room)	painted or varnished, e.g. walls, ceilings woodwork etc.)	white-washed, colour washed, painted or varnished or cleaned)	colour-washing, painting or varnishing or cleaning was carried out according to the English calendar Date Month Year	Employer
1	2	3	4	5
6				

Form No. IV[See Rule 22 (1)]Figures 1, 2, 3 relate to 1st, 2nd and 3rd shifts or relays. Name of the industrial premises..... Place..... District.....

Period of work	Men	Women and young person	Description of groups		
	Total number of employer	Total number of women and young person employed	Group letter	Nature of work	Remarks
1 2 3		A B C D E F			
Working days		1 2 3 1 2 3 1 2 3	12 12 12		A
From					B
To					C
From					D
To					E
Partial working day					F
From					
To					
From					
To					
Weekly Holidays					
Date on which this notice comes into force.....					

Employer. Form No. V[See Rule 22 (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 of such overtime on each occasion	Extent of overtime worked during the week
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Form No. VI[See Rules 24 (1) and 25 (1)]Register of Leave with Wages (Regular Employee's Leave Book)Separate page shall be allotted to each employeeName of establishment

Serial No.	Date of entry into service	Adult/young person	Name	Father's name	Date of joining the establishment	Date of discharge	Date of amount of payment made in lieu of leave due.
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- 1. Calendar year of service**
- 2. Wage period from..... to.....**
- 3. Number of days of work performed during the calendar year**
- 4. Balance of leave from the preceding year**
- 5. Leave earned during the year mentioned in column (1)**
- 6. Total of columns (4) and (5)**
- 7. Leave enjoyed from..... to.....**
- 8. Balance of leave to credit**
- 9. Normal rate of wages, i.e., daily average of full-time earnings in cash**
- 10. Cash equivalent of advantage accruing through concessional sale of foodgrains, etc.**
- 11. Rate of wages for the leave period [total of columns (9) and (10)]**
- 12. Date and amount paid**
- 13. Remarks**

Form No. VII[See Rules 24 (2) and 25 (1)]Register of Leave with Wages (Home Workers) Leave Book

- 1. Name of establishment**
- 2. Serial No.**
- 3. Name of employee and age**
- 4. Father's/husband's name**

5. Date of entry into service

6. Date of discharge

7. Amount paid in lieu of leave

8. Calendar year of service

9. No. of days worked during the year

10. Balance of leave from preceding year

11. Leave earned during the year mentioned in column 8

12. Total of columns 10 and 11

13. Leave enjoyed from..... to.....

14. Balance of leave to credit

15. Normal rate of wages, i.e., daily average of full-time earnings in cash.

16. Cash equivalent of advantage accruing through concessional sale of foodgrains, 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. VIII[See Rule 26 (3) (a)]Notice to the Employer under Clause (b) of Sub-section (2) of Section 31Shri 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 20.....at.....a.m./p.m. at.....You should appear before the Appellate Authority on that day and answer the claims. You must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence. In default of your appearance on that day the matter will be heard and determined in your absence.Appellate Authority.Form No. IX[See Rule 26 (3) (b)]Notice to the Employer under Clause (b) of Sub-section (2) of Section 31Your appeal has been posted for hearing

on the.....day of.....20.....at.....a.m./p.m.You should appear before the appellate authority on that day to prove the claim. You must be prepared to produce on that day all the witnesses on whose evidence and all documents upon which you intend to rely in support of your case.In default of your appearance on that day, the matter will be heard and determined in your absence.Appellate Authority.Form No. X[See Rule 7(1)]Record of Decision or Order

1. Serial No.

2. Date of application.

3. Name or names, parentage, address or addresses of applicants or some or all of the applicants.

4. Name and address of the employer.

5. Substance of the dispute.

6. Plea of parties and their examination, if any

7. Documents seen.

8. Substance of the evidence taken.

9. Finding and brief statement of the reasons thereof.

10. Decision.

SignatureDateForm No. XI[See Rule 32]Monthly Return

1. Name of the industrial premises and full postal address.

2. No. and date of licence.

3. Month to which the return relates.

4. Name of the employer.

5. Name of the principal employer, if the employer is working as contractor for principal employer.

6. Quantity of beedi and/or cigar tobacco released by the General Excise Department.

7. Quantity of beedi and/or cigar tobacco supplied by the principal employer.

8. Number of beedi and/or cigar manufactured by the employer in industrial establishment.

9. No. of beedi and/or cigar manufactured by the employer in places other than industrial establishment.

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

Date _____ Signature of the employer. Form No. XII [See Rule 32]

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 employee is working as contractor for a principal employer.

5. * Average number of employees employed daily in the industrial premises :

Men _____ Women _____ Young persons _____ Male _____ Female _____

6. Average of monthly no. of home workers employed (i.e., who work in their homes).

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

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

9. Number of employees who were granted leave during the calendar year.

Young persons-(a)employed in the 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 the industrial premises.(b)employed in homes.Certified that the information furnished above is to the best of my knowledge and belief is correct.Signature of the employer.DateNote. - 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 numbers of the working days in the year. Attendance on separate shift, e.g., night and day shifts shall be counted separately.The average shall be calculated by dividing the aggregate number of workers on the Home Workers Employment Register during each of the preceding 12 months by twelve.Form No. XIII[See Rule 38 (1)]Muster Roll of EmployeesName and address of the industrial premisesDate.....

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

1 2 3 4 5 6 7 8

[Form No. XIV] [Substituted by S.O. 149, dated 5-2-1979.][See Rule 33 (2)]Home Workers Log Book

1. Name and address of the Beedi Company

2. Name and address of the local employer/ Manager of the Company

3. Name and address of the Contractor/ Commission Agent

4. Central Excise Licence Number (L-2)

5. Name and address of the Beedi Worker

6. Address of the house where Beedis are manufactured

Account of work done at home and wages paid therefor

Date month and year	Weight of tobacco and leaves received	No. of Beedis manufactured	No. of rejected Beedis	Wages payable for manufactured Beedis	
Tobacco	Leaves				
1	2	3	4	5	6
Wages payable for	Adjustment of advance or	Net amount of wages actually	Signature or left thumb-impression of	Signature of Employer/	Remarks

rejected Beedis	deduction, if any	paid and received	Home worker	Commission Agent	
7	8	9	10	11	12

Form No. XV[See Rule 33 (3)](Beedi manufactured should be shown in respect of each home worker below the appropriate date)

Name of worker	Address of home	Wages paid	Date
			1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Form No. XVI[See Rule 33 (5)]Register of Over time WorkMonth ending 20

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 earnings

13. Date on which overtime payment made

Form No. XVII[See Rule 34]Record of Outside WorkNumber and date of Government's order

permitting work outside industrial premises.....

Date	Place or places where outside work was permitted	Nature of work	Name of employees	Remarks
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[FORM No. XVIII] [Added by S.O. 1684, dated 10-12-1979, and further Substituted by S.O. 321, dated 27-2-1982.][See Rule 32 (2)]Register of Contractors

1. Name and address of the principal employer

2. Name and address of the establishment

3. Name and address of the manager or person Incharge of the establishment:

S. No.	Name and address of the contractor	Period of contract	Location or premises, if any	No. of workers employed in industrial premises	No. of home workers employed by the contractor	Name of villages with postal address in which home workers are employed
From...	To...					
1	2	3	4	5	6	7

Signature of the principal employer. Form No. XIX[See Rule 32 (2)]Annual return to be furnished by principal employer to the competent authorityFor the year ending 31st March-

1. Full name and address of the principal employer-

2. Name of Establishment-

(a)District-(b)Postal address-(c)Area of operation-

3. Full name and address of the manager or person responsible for supervision and control of the establishment-

4. Maximum number of workmen employed directly on any day during the year in the establishment-

5. Total number of Mondays worked by directly employed workmen-

6. Total number of Beedis and/or Cigars manufactured by directly employed workmen-

7. Number of contractors who worked under the establishment during the year (Give details in the Annexure)-

8. Maximum number of regular workmen employed through contractors in industrial premises-

9. Total number of Beedis and/or Cigars manufactured by regular contract labour in industrial premises-

10. Total number of home workers employed through contractors during the year-

11. Total number of Beedis and/or Cigars manufactured by the home works-

12. Total amount paid as wages for Beedis and/or Cigars manufactured through contractors-

13. Changes, if any, in the management of the establishment, its location, or any other particulars furnished to the competent authority in the application for licence.

Signature of principal employer. Place : Date: Annexure Details of contractors who worked under the establishment (Vide Column-7)

S. No.	Name and address of the contractor	Location of industrial premises, if any	No. of workers employed in the industrial premises	No. of home workers employed	Name of village with full postal address in which home workers were employed	Period of contract	No. of Beedis and/or Cigars manufactured and supplied
From	To						
1	2	3	4	5	6	7	8

Notification S.O. 1001, dated 19.12.1968 Vide Bihar Gazette (Extraordinary) dated 20.12.1968. - In exercise of powers conferred by sub-section (3) of Section 1 of the Beedi and Cigar Workers (Condition of Employment) Act, 1966 (Act 32 of 1966), the Governor of Bihar is pleased to appoint 1st January, 1969, as the date on which all the provisions of the said Act shall come into force in the State of Bihar.